



Attorney Docket No.: 3800002.00055/4804US
-RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE-
EXAMINING GROUP 1600

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Aladar A. Szalay *et al.* Art Unit : 1633
Serial No. : 10/516,785 Examiner : Burkhart, Michael D.
Filed : June 27, 2005 Conf. No. : 7336
Cust. No. : 77202
Title : LIGHT EMITTING MICROORGANISMS AND CELLS FOR DIAGNOSIS AND
THERAPY OF DISEASES ASSOCIATED WITH WOUNDED OR INFLAMED
TISSUE

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL

Dear Sir:

Responsive to the Office Action, mailed, July 20, 2010, entry of the following amendment and consideration of the following remarks respectfully are requested. It respectfully is submitted that entry of the Amendment places the application into condition for allowance or, alternatively, reduces the number of issues for appeal by addressing issues raised in the Final Office Action. For example, claims 6, 14, 16 and 21, which are objected to as being dependent upon a rejected base claim and are allowable if rewritten as independent claims or as dependent upon an allowable base claim, are rewritten as independent claims, thereby obviating the objection. In addition, although Applicant does not concede that the rejection under 35 U.S.C. §102(b) is warranted, rejected claim 1 is amended to render it clear that the microorganism is administered to a subject who has, or is suspected of having, internal wounded or inflamed tissues; the claim does not read on selecting a subject who is to be wounded after administering the microorganism. Also, the claim affirmatively recites that the subject is imaged (organs are not excised), and the subject is alive when imaged. Thus, claim 1 and dependent claims should be in condition for allowance.

Amendments to the claims are reflected in the listing of the claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.

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Christopher Ochs